

Summary of the dissertation: Liability for damage caused in connection with planning activities

Keywords: compensation, spatial planning, liability of the State Treasury, local development plan

The doctoral dissertation was devoted to the issue of liability for damages caused in connection with the planning activities of public authorities. The central issue of the hearing concerns the protection of subjective rights violated as a result of the adoption of local spatial development plans. These acts are sources of generally applicable law and determine the possibility of exercising property rights. These documents define the purpose of the area and determine the method of its development.

The doctoral thesis consists of 7 chapters.

The first concerns the basics of planning activities in almost European Union countries. The focus here is on the evolution and development of European spatial planning systems. The German and French models of spatial planning are discussed here.

The second chapter covers the legal basis of planning activities in Polish law. This chapter discusses the evolution of spatial planning, from the legal solutions adopted after World War II to the present day. The presentation of legal evolution was aimed at presenting the principles of protection of property rights in spatial planning over the years.

The third chapter of the dissertation was devoted to planning activities from the perspective of exercising the subjective rights of authorized entities. The focus here is on the concept and basic features of planning activity. This chapter explains why the dissertation adopts a broad concept of planning activity, including both the issuance of a local law act (e.g. local development plan, landscape resolution) and the issuance of a planning decision (decision on development conditions and decision on the location of a public purpose investment). Their legal nature was discussed, as well as the way in which they affect the subjective rights of participants in legal transactions.

The fourth chapter discusses the legal consequences of legal planning activities. Issues related to the grounds for liability for damage caused by legal planning activities are presented here. Issues regarding active and passive standing in compensation proceedings for damages were

presented in quite detail. Specific claims arising from the Spatial Planning and Development Act were also presented.

The fifth chapter of the dissertation focuses on the legal aspects of liability for damage resulting from normative planning lawlessness. It analyzes the procedures that may be considered appropriate to determine the inconsistency of an act with a hierarchically higher act within the meaning of Art. 417¹ of the Civil Code.

Chapter six is devoted to liability for damage caused by faulty planning decisions. It focused on the issue of legal liability of the first and second instance bodies for the damage caused. This concerns a situation in which the first-instance authority issued an unlawful decision on the approval of the construction design and the decision on the building permit, and the second-instance authority upheld these decisions. The question arises whether the burden of responsibility for the damage incurred is borne by the second-instance authority and whether the lower-level authority is released from civil liability for the illegal administrative decision it issued, or whether both authorities are jointly and severally liable.

The last extensive chapter of the dissertation covers the issues of temporary limitation of pursuing claims arising in connection with planning activities. The main focus was on the institution of limitation and deadlines for submitting claims for compensation for damage regulated in special acts.